

UNITED STATES DISTRICT
SOUTHERN DISTRICT OF NEW YORK

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TRANSPORTES NAVIEROS Y
TERRESTRES, S.A. DE C.V.,

Plaintiff,

07 CV 3076 (LAP)

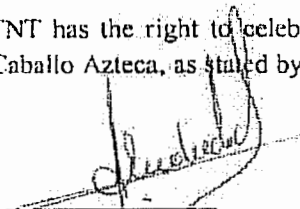
-against-

FAIRMOUNT HEAVY TRANSPORT N.V.,
Defendant.

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DECLARATION OF HERMILO ESCOBEDO OBRADOR

1. My name is Hermilo Escobedo Obrador; I was born in Ciudad del Carmen, Campeche, Mexico, on February 23rd 1956. I have a degree in Mechanical Engineering and have been the legal representative of the Company Transportes Navieros y Terrestres, S.A. de C.V. (TNT), with address in Carretera Paraíso, Puerto Ceiba, kilómetro 1, s/n, col. Quintín Arauz, Municipio Paraíso, Villahermosa, Tabasco, C.P. 86600, México, since May 19th, 1999.
2. This declaration is submitted in support of Plaintiff Transportes Navieros y Terrestres, S.A. de C.V., in Fairmount Heavy Transport N.V.'s Motion to Vacate the Attachment.
3. TNT learned of the arrest of its vessel Caballo Azteca but understood that Oceanografía S.A. de C.V. (OSA) was working to have the arrested vessel released and had hired a lawyer in the Netherlands to work on the matter. TNT thought that was correct because the underlined dispute that gave rise to the arrest was OSA dispute not TNT dispute.
4. TNT is legal owner of the vessel Caballo Azteca, as stated in the acquisition contract celebrated on July 1st 2002, and registered in the National Public Maritime Register on October 12th 2005, under the maritime folio number 1721, under the branch: Vessel, entry number 8211.
5. TNT has the right to celebrate whichever contract it desires to in relation to the vessel Caballo Azteca, as stated by the Act of Navigation and Maritime Commerce, in its Title V,



on the Contracts of Vessel Utilization, Chapter I, General Dispositions, since TNT does not owe anything to the company Fairmount Heavy Transport N.V., nor to anyone else in its group, in addition to the dispositions of the Commerce Code.

6. TNT considered using the vessel Caballo Azteca and because of the way the vessel Caballo Azteca had been arrested by the company Fairmount Heavy Transport, N.V., TNT proceeded to prepare all the documentation that according to the International Laws on the subject is needed for it to be legally recognized abroad; such as its proper translation, and certification. In this way and taking into consideration what is stated by the Act of Navigation and Maritime Commerce in its article 265, which provides a 90 days term to answer before any foreign authority. This term when applied by analogy results in the time being avowed by the law, and not in the way Fairmount Heavy Transport N.V. is trying to make believe, therefore acting with bad faith before a judge.
7. TNT, as ordered by the laws in force and effect in Mexico, did everything in accordance to the law, since in Mexico, it is not permitted to take Justice into our own hands. In Mexico it is necessary to appear before a competent Court and to comply with the relevant formalities, as stated by articles 14, 16, and 17 of the Political Constitution of the United States of Mexico.
8. TNT, is a Mexican business association, legally constituted in accordance with the Mexican Laws, as stated by article 8 of the General Act of Business Associations. It is important to reaffirm that TNT and Oceanografia, S.A. de C.V.(OSA) are two completely separate and distinct companies, with different ownership, different board of directors, different officers, different management, different offices, and different nature of the work. Thus, both are not related to one another in any way.

TNT's corporate purpose is the acquisition, selling and chartering contracts of all types of vessels; national and international maritime transportation; as well as, dredging, draught and similar operations, with address as mentioned above in Carretera Paraíso, Puerto Ceiba, kilómetro 1, s/n, col. Quintin Arauz, Municipio Paraíso, Villahermosa, Tabasco, C.P. 86600, México. TNT's shareholders are Miguel Angel Zenteno Woolrich and Arturo Baradas Lozada, who is also the sole administrator of the company. To my knowledge, none of these people are shareholders or board members of Oceanografia S.A. de C.V.

9. Fairmount Heavy Transport N.V., cannot allege that while causing the illegal arrest of the vessel Caballo Azteca, now tries to act as a victim when before the arrest of the vessel, it should had complied with the Mexican laws, instead of talking advantage of foreign legislations and confusing the judges who act in good faith. Which is why the general principle of law says that: *the judge has to count with the true facts, in order for him to be able to apply the law.*
10. When I signed the charter contract in December 12th, 2005 with the company Con-Dive LLC, in representation of TNT, I expected that we would be able to deliver the vessel under

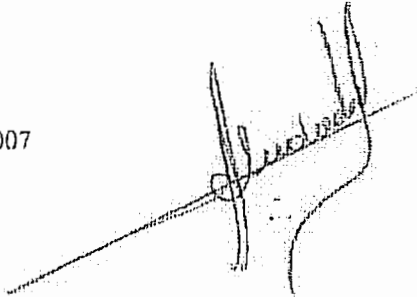


the charter, even though the vessel then was under arrest. I did not think the arrest would be a problem because I had asked OSA to fix the arrest problem, since it related to an OSA dispute, not an TNT dispute. I knew that OSA had hired a lawyer in the Netherlands to address the arrest issue. Moreover, I believed that there was time for the arrest problem to be fixed because the vessel would have to remain in the shipyard undergoing repairs for a few more months anyway and because TNT would not be expected to deliver the CABALLO AZTECA under the charter for four or five months. By the time the delivery period approached, it was clear that the vessel could not be ready in time to work under this charter. This is because the shipyard ceased work at the time of the arrest. Since the contract's canceling date was on April 20th, 2006, the contract fell through.

11. TNT had to hire the services of a lawyer in the Netherlands, which caused relevant expenses, therefore having the right to present a complaint for the compensation of the damages caused by its actions.

I certify under penalty of perjury under US law that the above statements are true to the best of my memory and belief.

Executed on this 7th Day of May 2007

A handwritten signature in black ink, appearing to be "J. J. J. J. J.", written over a horizontal line.